

**BOARD BILL NO. 201 INTRODUCED BY ALDERWOMAN LYDA
KREWSON, ALDERMAN FRANK WILLIAMSON**

An ordinance establishing the DeBaliviere Place Special Business District pursuant to

Sections 71.790 through 71.808 of the Revised Statutes of Missouri, setting its

boundaries, tax rate, initial rate of levy subject to the approval of the qualified voters,

bonding authority, and uses to which tax revenue may be put; creating a board of

commissioners; and containing severability, effectiveness, and emergency clauses.

WHEREAS, petitions signed by property owners in the area hereinafter described have

been filed with the City, requesting the establishment of a Special Business District; and

WHEREAS, pursuant to Section 71.792 R.S.Mo., a survey and investigation of the

desirability and possibility of forming a Special Business District in that portion of the

City of St. Louis within the maximum commonly known boundaries commencing at the

North-South center line of Clara Avenue to its intersection with the prolongation of the

Northern boundary line of City Parcel Locator Number 5618-00-0210 also being the

Northern boundary line of City Block 5618 commonly known as 5600-5620 Delmar

Blvd. located in the City Of St. Louis, Missouri, and proceeding southwardly along the

center line of said Clara Avenue to its intersection with the prolongation of the Southern

alley line of the East-West alley in City Block 3875.18; thence eastwardly along said

Southern alley line and its prolongation to its intersection with the North-South center

line of Belt Avenue; thence southwardly along the center line of said Belt Avenue to its

intersection with the prolongation of the Southern alley line of the East-West alley in City

Block 3877; thence eastwardly along said Southern alley line and its prolongation to its

intersection with the North-South center line of Union Boulevard Avenue; thence

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1 southwardly along said center line Union Boulevard and its prolongation to its
2 intersection with the East-West center line of Lindell Boulevard; thence westwardly
3 along said center line of Lindell Boulevard to its intersection with the prolongation of the
4 center line of Forest Park Parkway; thence more or less westwardly along the center line
5 of said Forest Park Parkway and its prolongation to its intersection with the North-South
6 center line of DeBaliviere Avenue; thence northwardly along said center line of
7 DeBaliviere Avenue to its intersection with the prolongation of the Southern boundary
8 line of City Parcel Locator Number 5522-00-0175 in City Block 5522 commonly known
9 as 5720 DeGiverille Avenue; thence northwestwardly along said Southern boundary line
10 to its intersection with its Western boundary line; thence northwardly along said Western
11 boundary line to its intersection with its Northern boundary line; thence southeastwardly
12 along said Northern boundary line to its intersection with its Western boundary line;
13 thence northwardly along said boundary line to its intersection with its Northern
14 boundary line; thence eastwardly along said Northern boundary line to its intersection
15 with the prolongation of the Western alley line of the North-South alley in City Block
16 5521, thence northwardly along said Western alley line and its prolongation, crossing
17 Pershing Avenue to a point of intersection with the Western alley line of the North-South
18 alley in City Block 5521, thence eastwardly crossing said North-South alley to the
19 Western boundary line of City Parcel Locator Number 5521-00-0450, commonly known
20 as 301-331 DeBaliviere Avenue; thence northwardly along said Western boundary line of
21 parcel and its prolongation, crossing Waterman Boulevard and continuing northwardly
22 along the Western boundary line of City Parcel Locator Number 5520-00-0275 in City
23 Block 5520 commonly known as 5706-5722 McPherson Avenue, thence northwardly

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1 along said Western boundary line to its intersection with its Southern boundary line;
2 thence westwardly along said Southern boundary line to its intersection with its Western
3 boundary line, thence northwardly along said Western boundary line to its intersection
4 with its Northern boundary line, also being the Southern street line of the East-West
5 McPherson Avenue, thence eastwardly along said Northern boundary line to its
6 intersection with its Western boundary line, thence northwardly along said Western
7 boundary line to its intersection with its Southern boundary line, thence westwardly along
8 said Southern boundary line to its intersection with its Western boundary line, thence
9 northwardly along said Western boundary line to its intersection with its Northern
10 boundary line, also being the Southern alley line of the East-West alley in City Block
11 5519; thence eastwardly along said Northern boundary line to its intersection with its
12 Western boundary line; thence northwardly along said Western boundary line and its
13 prolongation, crossing Kingsbury Place to its intersection with the Southwestern corner
14 of City Parcel Locator Number 5667-00-0150 in City Block 5667 commonly known as
15 501-531 DeBaliviere Avenue; thence northwardly along said Western boundary line and
16 continuing northwardly along all Western boundary lines of all adjacent parcels to its
17 intersection with the Northern boundary line of City Parcel Locator Number 5668-00-
18 0060 in City Block 5668 commonly known as 569 DeBaliviere Avenue; thence
19 eastwardly along said Northern boundary line to its intersection with the Western street
20 line of DeBaliviere Avenue; thence northwardly along said Western street line of
21 DeBaliviere Avenue to its intersection with the Southern street line of Delmar Boulevard;
22 also being the prolongation of the Northern boundary line of City Parcel Locator Number
23 5618-00-0040 in City Block 5618 commonly known as 566-586 DeBaliviere Avenue;

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1 thence eastwardly along said Southern lines, crossing DeBalivieve Avenue and
2 continuing eastwardly along said Southern Street line of Delmar Boulevard and its
3 prolongation to its intersection with the North-South center line of Clara Avenue, also
4 being the prolongation of the Northern boundary line of City Parcel Locator Number
5 5618-00-0210 in City Block 5618 commonly known as 5600-5620 Delmar Boulevard,
6 being the point of beginning., has been conducted and a written report thereof is on file in
7 the office of the City Register as Document _____; and

8 **WHEREAS**, this Board of Aldermen did on November 21, 2014 adopt Resolution
9 Number 168 declaring its intention to establish a Special Business District in said area
10 and calling for a public hearing on the matter; and

11 **WHEREAS**, said public hearing, duly noticed, was held at 9:00 a.m. on December 16,
12 2014 by the 2014-15 Committee on Ways & Means of the Board of Aldermen; and

13 **WHEREAS**, this Board of Aldermen hereby finds that the establishment of a Special
14 Business District for said area described above is in the best interest of the City of St.
15 Louis and that the property owners and tenants of said area and the public in general will
16 benefit by the establishment of said Special Business District and the increased level of
17 services and improvements provided by the proposed additional tax revenues from said
18 district; and

19 **WHEREAS**, the said district shall be known as the DeBaliviere Place Special Business
20 District;

21 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

1 **SECTION ONE.** A Special Business District, to be known as the "DeBaliviere Place
2 Special Business District" (hereinafter referred to as the "District"), is hereby established
3 for the area of the City described as follows:

4 **INSERT DESCRIPTION**

5 **SECTION TWO.** Taxes for the District shall be assessed and collected as follows:

6 A. For the purpose of paying for costs and expenses incurred in the establishment and
7 operation of the District, the provision of services and facilities and improvements
8 authorized in Sections Five and Six of this ordinance, and incidental to the leasing,
9 construction, acquisition and maintenance of any improvements authorized herein or for
10 paying principal and interest on bonds or notes authorized for the construction or
11 acquisition of any said improvement, there may be imposed a tax upon all real property
12 within the District at eighty-five cents (\$.85) on the one hundred dollars (\$100.00)
13 assessed valuation, subject to the provisions of Section Nine. Such tax shall be imposed
14 during the 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024 tax years
15 only subject to the renewal of such tax by the qualified voters of the District pursuant to
16 the procedure set forth in Section 71.800 RSMo. (2000).

17 B. If the proposition submitted to the qualified voters residing in the District receives in
18 its favor the votes of the majority of the qualified voters voting at the election conducted
19 pursuant to Section Nine, the initial rate of levy which shall be imposed upon real
20 property within the District shall be 85 cents (\$.85) on the one hundred dollars (\$100.00)
21 assessed valuation.

22 C. Real property subject to partial tax abatement under the provisions of Chapter 353,
23 R.S.Mo., shall, for the purpose of assessment and collection of ad valorem real estate

1 taxes levied under the District, be assessed and ad valorem real estate taxes shall be
2 collected upon the same assessed value on which its ad valorem real estate taxes and
3 payment in lieu of taxes are based in the Ordinance adopted by the City of St. Louis
4 approving the development plan of any such corporation and authorizing tax abatement;
5 provided, however, that the owners at such real property are strongly encouraged to make
6 additional equitable, annual donations to the District in lieu of the additional District
7 taxes.

8 D. The levy shall not be imposed upon real property exempt from ad valorem real estate
9 taxes because of charitable, religious, educational or other public or private uses;
10 provided, however, that the owners of such real property are strongly encouraged to make
11 equitable, annual donations to the District in lieu of District taxes.

12 E. The tax provided for by this ordinance shall be collected by the Collector of Revenue
13 and held in a special account to be used only for all purposes authorized hereunder, as
14 provided by law.

15 F. If the District for any reason is dissolved, all delinquent taxes collected after the date
16 of dissolution shall be credited and forwarded to the general fund of the City of St. Louis
17 after all debts of the District, if any, are discharged.

18 **SECTION THREE.** For the purposes of paying costs and expenses to be incurred in the
19 acquisition, construction, improvement, expansion and/or maintenance of any facilities of
20 the District, the District may incur indebtedness and issue bonds or notes for the payment
21 thereof under the terms of, and subject to, the requirements set forth by law.

22 **SECTION FOUR.** There shall be a Board of Commissioners to administer the District.

23 The Board of Commissioners shall be selected as follows:

1 A. Membership: The Board of Commissioners shall consist of seven (7) members, and
2 shall be appointed by the Mayor with the advice and consent of the Board of Aldermen,
3 of whom five (5) members shall be owners of real property within the District or their
4 representatives and two (2) members shall be renters within the District or their
5 representatives; provided, however, that no employee or elected official of the City of St.
6 Louis shall be a member of the Board of Commissioners.

7 B. Term of Office: Each member of the Board of Commissioners shall serve for a four
8 (4) year term (except as provided herein with respect to the initial members), with terms
9 expiring as of December 31st of the designated year or when their successors are
10 appointed as provided herein, whichever is later.

11 C. Initial Members and Terms: The initial members shall be appointed for the terms set
12 forth as follows: one (1) member shall be appointed for a term expiring December 31,
13 2016; two (2) members shall be appointed for a term expiring December 31, 2017; two
14 (2) members shall be appointed for a term expiring December 31, 2018; and two (2)
15 members shall be appointed for a term expiring December 31, 2019.

16 D. Removal: The Mayor with approval of the Board of Aldermen may remove any
17 member of the Board of Commissioners for misconduct or neglect of duty upon written
18 charges and after a public hearing.

19 E. Vacancies: Vacancies on the Board of Commissioners, occasioned by removal,
20 resignation, expiration of term, or otherwise, shall be reported in writing to the Mayor by
21 the Board of Commissioners. The vacancy shall be filled in like manner as an original
22 appointment no later than thirty (30) days after the date of said report to the Mayor.

23 Appointments to fill vacancies shall be for the unexpired portion of a term only.

F. Compensation: The members of the Board of Commissioners shall serve without compensation of any kind.

SECTION FIVE. All District revenues collected hereunder by the Collector of Revenue, except for those revenues expended for the necessary costs of the establishment and administration of the District, and for collection fees for tax revenue collected hereunder, may be used to carry out any and all of the following improvements, services and activities of the District:

A. To provide special police and/or security facilities, equipment, vehicles and/or personnel for the protection and enjoyment of the property owners and the general public within the District;

B. To provide special cleaning facilities and personnel for the enjoyment of the property owners and the general public within the District;

C. To landscape and plant trees, bushes and shrubbery, flowers and each and every other kind of decorative planting;

D. To construct, install, improve and/or maintain pedestrian malls, plazas, streets, sidewalks, parks, bus stop shelters, lighting, benches, or other seating furniture, sculptures, traffic signs, fire hydrants, kiosks, trash receptacles, marquees, awnings, canopies, walls, fences, gates and barriers, paintings, murals, alleys, shelters, fountains, ramps, and each and every other useful or necessary or desired improvement;

E. To promote activities in the District by, but not limited to, advertising, decoration of any public place in the area, promotion of public events which are to take place on or in public places, furnishing of music in any public place and the general promotion of activities in the District;

F. To maintain any City-owned streets, alleys, malls, ramps, trees and decorative plantings of each and every nature, and any structure or object of any nature whatsoever constructed or operated by the city;

G. To prohibit or restrict vehicular traffic on such streets and alleys within the District as the Board of Aldermen may deem necessary and to provide the means for access by emergency and refuse vehicles to or in such areas;

H. To close existing City-owned streets or alleys or to open new streets and alleys or to widen or narrow existing City-owned streets and alleys in whole or in part within the District as the Board of Aldermen may deem necessary.

SECTION SIX. The District shall have all the powers necessary to carry out any and all activities and improvements authorized by law and may:

A. Cooperate with any public agencies and with any industry or business located within the District in the implementation of any project within the District;

B. Enter into any agreement with the City, any other public agency, any person, firm, or corporation to effect any of the provisions contained in Sections 71.790 through 71.808 R.S.Mo.;

C. Contract and be contracted with, sue and be sued and provide for insurance of all projects and property owned or managed by the District and for insurance covering all members of the Board of Commissioners and employees and agents of the District, providing for coverage of such risks and with such limits as the Board of Commissioners may deem proper;

1 D. Accept gifts, grants, loans or contributions from the City, the United States of
2 America, the State of Missouri, political subdivisions, foundations, other public or private
3 agencies, individuals, partnerships, or corporations; and

4 E. Employ such managerial, engineering, legal, technical, clerical, accounting, and other
5 assistance as the Board of Commissioners may deem advisable; the District may also
6 contract with independent contractors for any such assistance.

7 **SECTION SEVEN.** A. Annual Budget. The Board of Commissioners shall file with the
8 Board of Aldermen an annual budget for the District, which shall set forth the projected
9 revenues and expenditures for the ensuing year, not later than the first day of November
10 each year; provided, however, that no such proposed annual budget shall be filed with the
11 Board of Aldermen until after the date the Board of Commissioners conducts a public
12 hearing within the District on any such proposed annual budget. Notice of any such
13 public hearing shall be published at least ten (10) days prior to the hearing in a daily,
14 twice-weekly, weekly or bi-weekly newspaper of general circulation within the District;
15 and provided further, that in addition to showing the time, date and place of the hearing,
16 the notice shall also show the complete proposed annual budget. The Board of
17 Commissioners shall not expend any funds collected by the Collector of Revenue
18 inconsistent with or until an annual budget for the expenditure of such funds is approved
19 by the Board of Aldermen by Resolution. If the Board of Aldermen does not act on said
20 budget by Resolution within thirty (30) days of its filing, said budget will presume to
21 have been approved by the Board of Aldermen.

B. Annual Report. The Board of Commissioners shall also file an annual report with the Board of Aldermen, which shall set forth the programs, revenues and expenditures of the District for the previous calendar year, not later than the first day of March each year.

SECTION EIGHT. The City shall not decrease the level of municipally funded services in the District existing prior to the creation of the District, unless the services at the same time are decreased throughout the City, nor shall the City discriminate in the provision of new municipally funded services between areas included in the District and areas not so included.

SECTION NINE. The tax levy authorized in Section Two shall not be effective unless and until the following proposition, submitted to the qualified voters residing in the District at a special election in the District to be held on April 7, 2015, shall receive in its favor the votes of the majority of the qualified voters voting at said election for or against said proposition. Said proposition shall be in substantially the following form:

OFFICIAL BALLOT

Shall a tax of \$.85 per \$100.00 valuation be imposed for the tax years, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024 on all real property located in the DeBaliviere Place Special Business District as defined in Ordinance No._____, approved DATE, (Board Bill No. __)for the purposes as set forth in said Ordinance?

____ YES

____ NO

SECTION TEN. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is held to be invalid or unconstitutional, or unlawful for any reason, by any

1 court of competent jurisdiction, such portion shall be deemed and is hereby declared to be
2 separate, distinct and independent provisions of this ordinance, and such holding or
3 holdings shall not affect the validity of the remaining portions of this ordinance.

4 **SECTION ELEVEN:** This being an ordinance for the immediate preservation of public
5 peace, health and safety, it is declared to be an emergency measure within the meaning of
6 Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore this
7 ordinance shall become effective upon its passage and approval by the Mayor.